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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,929	10/17/2003	Chih-Ching Hsien	PUSA030929	4878
7590 05/19/2004			EXAMINER	
Chih-Ching Hsien 58, MA YUAN WEST ST., TAICHUNG, TAIWAN			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,929

Applicant(s)

HSIEN, CHIH-CHING

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

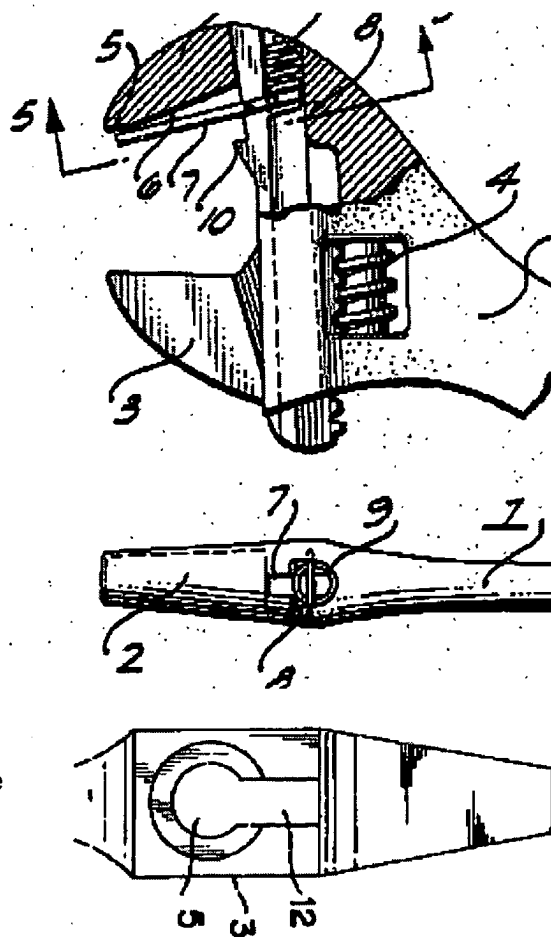
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by either McComb (2,630,037) or Kitt, Jr. (6,116,121).

Either McComb or Kitt, Jr., discloses all of the limitations of claim 1, i.e., an adjustable spanner, comprising a main body having an end formed with a drive portion formed with A fixed jaw (2 or 3 Kitt) and a slideway, an adjustment screw (4 or 9 Kitt) rotatably mounted in the main body, and a movable jaw (3 or 7 Kitt) movably mounted on the drive portion and having a bottom formed with a rack slidably mounted in the slideway of the drive portion and engaged with the adjustment screw, wherein the drive portion has a first side and a second side; the second side of the drive portion is formed with an inclined face inclined toward the first side of the drive portion, so that an included angle is defined between the inclined face of the second side of the drive portion and the first side of the drive portion.



Wherein the inclined face of the second side of the drive portion is extended upward from a horizontal extension of a bottom of an included angle of the fixed jaw (angle formed at an

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extension from upper apex), so that the second side of the drive portion is inclined relative to the first side of the drive portion.

Wherein the inclined face of the second side of the drive portion is extended upward from a horizontal extension of a bottom of the rack (e.g., plane tangent to the lower apex or a plane extending from the bottom of the rack, Kitt) so that the second side of the drive portion is inclined relative to the first side of the drive portion.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (2,688,893) in view of either Leitner (1,261,565) or Schlehr (1,393,399).

Jackson meets all of the limitations of the claim 1, except for inclined second face. Leitner and Schlehr each teaches spanners having inclined second face. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Jackson with the inclined second face as taught by either Leitner or Schlehr to adapt the tool for use in close places.

Regarding claims 2, 4 and 5, Jackson in view of either Leitner or Schlehr, meets the limitations as recited, however, it is noted that specific arrangement of element, e.g., starting point of the inclined surface for the different embodiment disclosed (even though teaching references together disclose both), would be further modification well within the knowledge of one of ordinary skill in the art with respect to workpiece and/or operational parameters.

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Regarding claim 3, Jackson in view of either Leitner or Schlehr, meets all of the limitations except for the disclosed range for the angle, however, further modifying the tool of prior art with respect to specific angle, e.g., 15 degrees, would be within the knowledge of one of ordinary skill in the art with respect to workpiece and/or operational parameters.

Conclusion

5. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Colvin, Meier et al., Rosenbloom and Hsien are cited to show related inventions.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. All official documents may be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.



Hadi Shakeri
Patent Examiner
May 14, 2004